

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Momodu Babu Sesay,

Defendant.

**MEMORANDUM OPINION
AND ORDER**
Criminal No. 16-265(1) ADM

Momodu Babu Sesay, pro se.

I. INTRODUCTION

This matter is before the undersigned United States District Judge for a ruling on Defendant Momodu Babu Sesay’s (“Sesay”) Motion to Modify Sentence [Docket No. 763] pursuant to 18 U.S.C. § 3582(c)(1)(A). For the reasons stated below, the Motion is denied.

II. DISCUSSION

On May 6, 2022, Sesay was sentenced to a term of 30 months for violating the conditions of his supervised release. Sentencing J. [Docket No. 727] at 1-2. The Court made a recommendation to the Bureau of Prisons that Sesay be incarcerated at an institution that offers the Residential Drug Abuse Program (“RDAP”) and that Sesay be allowed to participate in the program. Id. at 2.

Sesay argues he is currently incarcerated in an institution in Illinois that does not offer the RDAP program. Sesay has identified and applied to a private drug abuse program in Minnesota. He asks the Court to modify his sentence by releasing him to this private drug abuse program.

Generally, a “court may not modify a term of imprisonment once it has been imposed.” 18 U.S.C. § 3582(c). One of the few exceptions to this general rule is the compassionate release

provision of 18 U.S.C. § 3582(c)(1)(A). Under this provision, a court may reduce a term of imprisonment if, “after considering the factors set forth in section 3553(a),” the court finds that “extraordinary and compelling reasons” warrant a sentence reduction, “and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(1)(A).

Although it is unfortunate that Sesay is not able to participate in the RDAP program, this circumstance is among the “normal incidents of incarceration” and does not amount to ordinary and compelling reasons for a sentence reduction. United States v. Dutchuk, No. 1:18-CR-023, 2022 WL 3359152, at *4 (D.N.D. Aug. 15, 2022). Accordingly, a sentence modification is not warranted.

III. CONCLUSION

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendant Momodu Babu Sesay’s Motion to Modify Sentence [Docket No. 763] is **DENIED**.

BY THE COURT:

Dated: January 31, 2023

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT COURT